

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. 2:22-cr-00121-LK

Plaintiff,

ORDER GRANTING UNOPPOSED
MOTION TO CONTINUE TRIAL
DATE AND EXTEND PRETRIAL
MOTIONS DEADLINE

JEREMY DANIEL MANNING,

Defendant.

This matter comes before the Court on Defendant Jeremy Daniel Manning's Unopposed Motion to Continue Trial Date and Extend Pretrial Motions Deadline. Dkt. No. 34. Mr. Manning seeks to continue the trial date from July 17, 2023 to January 29, 2024, and to continue the pretrial motions deadline from June 5, 2023 to December 13, 2023. *Id.* at 1, 3. The Government does not oppose the motion. *Id.* at 1.

Mr. Manning is charged with one count of Possession of Child Pornography in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2). Dkt. No. 12 at 1–2.

Mr. Manning requests a new trial date of January 29, 2024 because although "the defense has retained a forensic expert who has produced preliminary information from his analyses."

1 defense counsel has not yet been able to “complete the review of the digital information or share
2 the reports with Mr. Manning,” in part because Mr. Manning has spent the last six weeks in the
3 Special Housing Unit. Dkt. No. 34 at 1–2. While he is housed there, “it is impossible to meet in
4 person or review the substantial digital evidence.” *Id.* at 2. Because of those circumstances, Mr.
5 Manning has asked his counsel to request a continuance, and his counsel agrees to its necessity.
6 *Id.* (“Counsel is not certain that the defense can adequately raise all relevant legal issues without
7 additional time to review the evidence and to speak with Mr. Manning.”). Mr. Manning has waived
8 his right to a speedy trial through February 12, 2024. Dkt. No. 33 at 1.

9 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by
10 granting a continuance outweigh the best interest of the public and Mr. Manning in any speedier
11 trial. Specifically, the Court finds that failure to grant the requested continuance would likely result
12 in a miscarriage of justice and would deny defense counsel the reasonable time necessary for
13 effective preparation, taking into account the exercise of due diligence, due to counsel’s need for
14 more time to review the evidence, consider possible defenses, gather evidence material to the
15 defense, and prepare for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv). The Court finds that the
16 additional time requested is a reasonable period of delay and will be necessary to provide counsel
17 and Mr. Manning reasonable time to accomplish the above tasks.

18 For these reasons, the Court GRANTS the motion, Dkt. No. 34, and ORDERS that the trial
19 date shall be continued from July 17, 2023 to January 29, 2024, and the pretrial motions deadline
20 shall be continued from June 5, 2023 to December 13, 2023. It is further ORDERED that, pursuant
21 to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay from the date of this Order to the new
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1 trial date is EXCLUDED when computing the time within which Defendant's trial must commence
2 under the Speedy Trial Act.

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4 Dated this 30th day of May, 2023.

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7 Lauren King
8 United States District Judge
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